

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Zosimo Reyes Saenz,

Civil No. 06-3451 (DWF/RLE)

Petitioner,

v.

**ORDER ADOPTING THE
REPORT AND RECOMMENDATION**

Warden, FMC Rochester,

Respondent.

Zosimo Reyes Saenz, *Pro Se*, Petitioner.

James E. Lackner, First Assistant United States Attorney, United States Attorney's Office,
counsel for Respondent.

This matter is before the Court upon Petitioner Zosimo Reyes Saenz's
("Petitioner's) objections to Chief Magistrate Judge Raymond L. Erickson's Report and
Recommendation dated August 28, 2006, recommending that Petitioner's Petition for a
Write of Habeas Corpus be summarily dismissed for lack of jurisdiction.

The Court has conducted a *de novo* review of the record, including a review of the
arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local
Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely
set forth in the Report and Recommendation and is incorporated by reference for purposes
of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Zosimo Reyes Saenz's objections (Doc. Nos. 6 and 7) to Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated August 28, 2006, are **DENIED**.
2. Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated August 28, 2006 (Doc. No. 2), is **ADOPTED**.
3. Petitioner Zosimo Reyes Saenz's Petition for a Writ of Habeas Corpus (Doc. No. 1) is summarily **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 4, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court